

Arguments/Remarks

Claims 1-8 and 10-11 are pending in the application. Claim 1 and 11 have been amended. Support for amendments to claims 1 and 11 can be found in the originally filed claims and the specification. For example, support for the amendment to claim 1 can be found in the originally filed claim 1. Support for the amendment to claim 11 can be found in the specification at, e.g., page 21, first paragraph. No new matter has been added.

Rejection Under 35 U.S.C. § 103 Should Be Withdrawn

Claims 1-8 and 10-11 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Albert et al., WO 02/38561 A1 (hereinafter referred as "the '561 application"). In particular, the Examiner contends that although the '561 application does not teach a pyridine ring in the R position, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to follow the synthetic scheme of the '561 application and substitute pyridine for quinoline to make the claimed invention with a reasonable expectation of success.

Applicants respectfully disagree. Applicants believe that the Examiner has not established a *prima facie* case of obviousness. As the Examiner stated in the Office Action, the pharmaceutical art is highly unpredictable, "requiring each embodiment to be individually assessed for physiological activity" (Office Action, page 4, last paragraph). The '561 application simply does not teach indolymaleimide derivatives comprising a pyridine ring in the R position. Thus, a skilled artisan would not be able to reasonably predict that the compound of the instant invention with a pyridine ring at the R position, instead of quinoline, phenyl, naphthelene, pyrimidine or quinazoline as taught by the '561 application, will have the therapeutic benefits such as treating transplant rejection, psoriasis and uveitis.

In view of foregoing, Applicants respectfully request that the rejection under 35 U.S.C. § 103 (a) be withdrawn.

Enablement Rejection Under 35 U.S.C. § 112 Should Be Withdrawn

Claim 11 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. According to the Examiner, the specification fails to

provide sufficient support of the broad use of the compound of claim 1 for the treatment of diseases mediated T lymphocytes and/or PKC or GSK-3 β .

Applicants respectfully disagree. However, merely to expedite the prosecution, Applicants hereby amended claims 11 as Examiner has suggested. Applicants reserve the right to pursue the canceled subject matter in a related application. As amended, claim 11 is directed to a method of treating acute or chronic transplant rejection, psoriasis or uveitis, which is fully enabled by the specification. As such, Applicants respectfully request that the enablement rejection be withdrawn.

CONCLUSION

Applicants respectfully request that the amendments and remarks made herein be entered and made of record in the file history of the present application. Withdrawal of the Examiner's rejection and a notice of allowance are requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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